

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT A. HAIR,

Plaintiff,

- against -

CITY UNIVERSITY OF NEW YORK, JOHN
JAY COLLEGE OF CRIMINAL JUSTICE,
and MAKI HABERFELD,

Defendants.

**NOTICE OF
MOTION TO
DISMISS**

06 Civ. 4178
(BSJ) (MHD)

FILED BY ECF

PLEASE TAKE NOTICE, that upon the Complaint filed herein, and the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, the undersigned on behalf of defendants CITY UNIVERSITY OF NEW YORK¹ and MAKI HABERFELD will move this Court before the Honorable Barbara S. Jones, on September 20, 2006, or such other time and date set by the Court, at the United States District Courthouse for the Southern District of New York located at 500 Pearl Street, New York, New York for an order dismissing the Complaint pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1367(c)(3), on the grounds that the Court lacks subject matter jurisdiction over the federal law claims in the Complaint, and that the Court should decline to

¹ John Jay College is a senior college in the City University of New York ("CUNY") system with no separate corporate existence. See N.Y. Educ. Law §§ 6202(5), 6203 (McKinney's 2005). CUNY is the sole proper defendant in this action. Clissuras v. CUNY, 359 F.3d 79, 81 n. 2 (2d Cir. 2004).

exercise supplemental jurisdiction over plaintiff's claims arising under state law.

Dated: New York, New York
July 24, 2006

Yours, etc.,

ELIOT SPITZER
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State of New York
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By:



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